

EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

- - - - - x
EMFT, LLC and 373-375 BROADWAY LLC,

Plaintiffs,

Index No.
156959/2016

-against-

BROADWAY 371, LLC, ELAD GROUP PROPERTIES, LLC
and THE BOARD OF DIRECTORS OF THE FRANKLIN
PLACE CONDOMINIUM,

Defendants.

- - - - - x
BROADWAY 371, LLC and THE BOARD OF DIRECTORS
OF THE FRANKLIN PLACE CONDOMINIUM,

Third-Party Plaintiffs,

-against-

786 IRON WORKS CORP., CERTIFIED SCAFFOLDING &
HOISTING, INC., CHAMP CONSTRUCTION CORP.,
DESIGN CONSTRUCT INTERNATIONAL, INC., DESIGN
CONSTRUCT INTL OF NEW YORK, LLC, FNA
ASSOCIATES, INC., GEOTECHNICAL SOLUTIONS
CORP., GILSANZ MURRAY STEFICEK, INC., GILSANZ
MURRAY STEFICEK, LLP., GZA GEOENVIRONMENTAL,
INC., GOLDBERG ZOINO ASSOCIATES OF NEW YORK,
PC, HYDRO TECH ENVIRONMENTAL CORP., HYDRO TECH
ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.,
JOHN S. DEERKOSKI, P.E., AND ASSOCIATES,
DEERKOSKI ENGINEERING, P.C., P-GOOM PLATFORM
AND SCAFFOLDING, INC., P-GOOM, INC.,

Third-Party Defendants.

- - - - - x

August 10, 2022
11:16 a.m.

- - -
VIDEOCONFERENCED EXAMINATION BEFORE
TRIAL OF ROBERT MOEZINIA
- - -

1 R. MOEZINIA

2 handled the work on it?

3 A. Both. I was the general
4 contractor, and I had employees working
5 for me.

6 Q. What was the --

7 A. I had my own companies.

8 Q. What was the name of your
9 general contracting company?

10 A. Bridge Street Contracting.

11 MR. WINIKOW: Can you repeat
12 that, please?

13 THE WITNESS: Bridge Street
14 Contracting.

15 Q. Okay. Now, as a result of that
16 project that began in 2008 and ended in
17 2012, were you -- are you aware of any
18 litigation that arose because of the
19 construction to that building?

20 A. Yes.

21 Q. How -- explain, what are you
22 aware of?

23 A. Okay. The first property next
24 door, which is your -- your premises,
25 369-371 -- they actually go a little

1 R. MOEZINIA

2 bit back. We used to own that
3 property, and we had sold it to a bunch
4 of Russians.

5 They developed -- they
6 demolished half the property. And then
7 they ran out of money, and they
8 stopped. Then the bank took over and
9 eventually Elad, which you are
10 representing, purchased it from the
11 bank and decided to continue the
12 renovation.

13 The first part that these guys
14 did the demolition, they underpinned
15 only half the building or
16 three-quarters, I should say. The
17 building is 150 feet. They did around
18 100 feet of underpinning.

19 Because they didn't do a
20 complete job, the building moved at
21 that time. And that's what the
22 litigation was for that damage.

23 Q. Okay. That -- and I don't want
24 to put words in your mouth.

25 This is separate and apart from

1 R. MOEZINIA

2 against the Russians, was that EMFT or
3 was it a different entity?

4 A. EMFT.

5 Q. And did you give the Russians a
6 release as part of the settlement?

7 A. I don't recall.

8 Q. Did you enter into a settlement
9 agreement with the Russians?

10 A. I don't recall.

11 Q. Okay.

12 MR. WINIKOW: To the extent
13 that there is a release, I would
14 call for its production.

15 Q. What part of your building was
16 damaged as a result of the underpinning
17 work that the Russians had done?

18 A. The facade on Broadway had to be
19 completely replaced, meaning --

20 Q. So --

21 A. -- all the brick, everything was
22 torn down and replaced from the first
23 floor -- actually, from the second
24 floor, which is the -- second floor on
25 top of the cast iron supports, from

1 R. MOEZINIA

2 that part going all the way up was
3 completely replaced.

4 Q. And all --

5 A. Replaced with brick, all the
6 bricks, everything was all replaced.

7 Q. Okay. And when you say the
8 facade had to be replaced, you are
9 talking about the facade at 365
10 Broadway, right?

11 A. Yes.

12 (Reporter clarification.)

13 Q. Okay.

14 A. And then all the damage of the
15 brick that the Russian contractor --
16 his contractors went and chopped into
17 the wall, which was encroaching into
18 the airspace of 371. But because they
19 chopped it in the middle of the wall,
20 it had to be all repaired and replaced.

21 Q. So they chopped the wall at
22 Franklin Place?

23 A. No.

24 Q. Okay. Which wall did they chop?

25 A. The wall that is right now